

Minutes of a Regular Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, May 4th, 1976, at 7:30 P.M.

Present:

Allen M. Smith, Supervisor
George G. Young, Councilman
Francis E. Menendez, Councilman
John Lombardi, Councilman
Jessie Tomlinson, Councilwoman

Also present: Peter S. Danowski, Jr., Town Attorney
Alex E. Horton, Supt. of Highways

EXECUTIVE SESSION - Monday, May 3rd, 1976

10:00 A.M. - Dr. Dolores Pacileo, PhD. Re creation and development of a Children's Museum in the Town of Riverhead

11:00 A.M. - John McNulty, Clarendon Homes Re dedication of Little Woods Development roads

Supervisor Smith called the Meeting to Order at 7:30 P.M. and the Pledge of Allegiance was recited.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

BE IT RESOLVED, That the Minutes of the Meeting of the Town Board of the Town of Riverhead, held on April 20, 1976 and the Minutes of the Special Meeting of the Town Board of the Town of Riverhead, held on April 23, 1976, be approved as submitted.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined the following bills, submitted on Abstracts dated May 4th, 1976:

General Town	\$49,930.94
Special Districts	\$ 32.76
Town Hall Capital Project	\$ 4,480.40

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the following bills be and are hereby approved for payment:

General Town	\$49,930.94
Special Districts	\$ 32.76
Town Hall Capital Project	\$ 4,480.40

RESOLUTION - continued:

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

REPORTS

Tax Receiver's, dated: April 21st and April 30th, 1976. Filed.

Building Department, month of April, 1976. Filed.

Police Department, month of April, 1976. Filed.

Riverhead Fire District, Report of Elections, held April 20, 1976. Filed.

APPLICATIONS

a) John J. Moynahan, Net Realty Holding Trust, for construction of a Photo Shop in the Roanoke Shopping Plaza.

Supervisor Smith stated that this application was inconsistent with the expansion of the Shopping Plaza and has been temporarily withdrawn.

b) Burger King Corporation, for construction of a drive-in window. Filed.

Supervisor Smith stated that the Town Board is considering this matter.

PETITIONS

Louis Harding, Florence Goldman and Jacob Harding to amend Ordinance #26 to permit "Business and Secretarial Schools" in Bus. D District.. Filed.

Supervisor Smith stated that the Town Board will call a Public Hearing on this matter.

COMMUNICATIONS

LILCO, dated 4/30/76, submitting its Population Survey Estimate for 1976. For the Town of Riverhead there is an increase of 205 people over the 1975 estimate. Filed.
Copies to Town Board and Town Attorney.

Marlene Lucas, 201 Howell Avenue, Riverhead, New York, making complaint on the garbage in the wooded lot behind the brown house in between the Town Hall and Howell Avenue. She states that in the past this lot provided subtle signs of Spring, etc., and hopes the area will be cleaned up and returned to its original state of beauty. Filed.

Copies to Town Board and Town Attorney

Dept. of Transportation, U.S. Coast Guard, dated 4/19/76, relating to Public Notice #3-243, amending Permit to provide for a temporary detour structure as part of the construction of the Route 25 Bridge over Mill Creek, Town of Southold. Interested parties are requested to express their views in writing on the suitability of the location.

COMMUNICATIONS - continued:

Long Island Cablevision Corporation, dated 4/27/76, submitting notification of rates for forthcoming pay cable service (Home Box Office or HBO).

Rate Currently Established for Pay Cable Service:Monthly Service Charges:

1st Outlet	\$9.95	per month
Additional Outlets	\$5.00	" "
Installation Charge	\$25.00	" "

Rate Currently Charged for Pay Cable Service:

Same as above established for Pay Cable Service Fees. Filed.

Copies to Town Board and Town Attorney.

Mrs. Sandra Snell Shydo, dated 4/22/76, requesting that the Meetinghouse Creek Beach area not be restricted, as prior to this no-parking ordinance she had enjoyed driving her two young daughters to this beautiful scenic beach. Filed.

Copies to Town Board and Town Attorney.

Riverhead Town Landmarks' Preservation Commission, dated 4/13/76, stating that at its regular meeting held April 12, 1976, it was decided to approve the applications of the following properties as proposed landmarks as stipulated in the LANDMARKS' PRESERVATION ORDINANCE:

Jeremiah Edwards House, 193 Griffing Avenue, Riverhead, New York

Davis-Corwin House (known as Ambrose Corwin House), 133 East Main Street, Riverhead, New York

Benjamin House, East Main Street, Riverhead, New York

On March 24, 1976, the owners of the designated properties were notified by letter and notice was also given to the owners of property within 250 feet of the exterior boundary lines of the subject property as per the requirements of Article 4, Section 7(b).

As required by Article 4, Section 7(d), notice of this approval by the Landmarks' Commission should be mailed by the Town Clerk to the owners of the subject property. The Landmarks' Commission recommends that the Town Board so approve the above designated property.

Copies to Town Board and Town Attorney.

Filed.

N.Y.S. Dept. of Environmental Conservation, dated 4/16/76, giving notice of change of Public Hearing date from June 12th to June 1st, to be held in the Suffolk County Legislative Meeting Room, County Center, Riverhead, in the matter of the Petition of the Town of Riverhead Recreation Department. Filed.

Copies to Town Board and Town Attorney.

UNFINISHED BUSINESS

- a) Codification - Supervisor Smith stated that there was a series of resolutions on this matter that would be presented later in the evening.
- b) Decision on Double Bar B Ltd. for permits re Wild West Shows - Supervisor Smith stated that the Double Bar B will be instructed to make application under Local Law #1 re Carnivals, Shows, etc. that would be adopted later in the evening.
- c) Erosion problem at Roanoke Landing - Supervisor Smith stated that a representative from the N.Y. Telephone Company has met with the Town Board and it will be determined shortly whether or not their poles are on Town Property, and if so, whether or not they will be moved out of the roadway.
- d) Fire District's request for creation of Fire Zone in Shopping Plaza - It was stated that as soon as Mr. Slayton complies with regulations in his application for a Special Permit, this matter will be dealt with.
- e) Decision on proposed Noise Ordinance No. 45 - This matter is still under consideration.

PERSONAL APPEARANCES

Supervisor Smith asked if anyone wished to be heard and the following responded:

Chris Bermel, 1661 Old Country Road, Riverhead, spoke on attending the muffler test with the Town Board on Saturday and stated that it was in no way indicative of the noise that the races produce.

He further stated that the race car drivers deliberately kept their noise level and speed down for the benefit of the Town Board.

He suggested that if any decision was to be made by the Board on the basis of this test, he wished that an unbiased, qualified engineer could come in and really tell the Town Board what's going on at that Raceway.

He then spoke of three people that were assigned to be observers in Glenwood during this muffler test, Leonard Becker, 727-0310, Mrs. Rose Coleman, 727-6421 and Mrs. Jennie Grabowski, 727-0503, who all stated that if that was to be the actual noise level, using the Thrush muffler, they were all for it.

He concluded by saying that four of the eight observers, present on Saturday, who have attended races at the track, all stated that the noise level displayed during the muffler tests was in no way close to the actual noise produced by the cars during their regular races in the Summer.

John Ambrose, Jr., stated that he was one of the drivers at the muffler test on Saturday and disagreed with Mr. Bermel's remarks that the drivers had deliberately kept their noise level down for the benefit of the observers, present and in Glenwood.

RESOLUTIONS

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

RESOLVED, That Raymond McCoy, Jr., of Jamesport, New York, be and hereby is terminated from the Highway Department as Laborer as of April 9, 1976.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

RESOLVED, That the employment of Maureen Biagini, as Clerk-Typist, in the Open House program, be terminated, effective May 21, 1976.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

RESOLVED, That Nancy Neems be employed as Clerk, as a salary of \$6,336.00 per annum, in the Building Department of the Town of Riverhead, for the initial probationary period of eight weeks, as prescribed by the Civil Service Law, to be automatically hereby extended to a full six months' probationary period, at the expiration of the eight-week period.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

RESOLVED, That Doris Edwards be employed as Clerk, at a salary of \$6,336.00 per annum, in the Board of Assessors Office of the Town of Riverhead, for the initial probationary period of eight weeks, as prescribed by the Civil Service Law, to be automatically hereby extended to a full six months' probationary period, at the expiration of the eight-week period.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That the Supervisor be and is hereby authorized to pay time and one half overtime compensation to John Hansen for working during the period from April 1, 1976 to April 30, 1976 for a total of 26 hours in the amount of \$171.50.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued:

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the following fund transfers be made:

Public Safety

A3120.1 - Personal, Other	\$14,356.82	
A31201.1 - Constable		\$12,485.32
A3120.1 - Clerk-Typist		1,871.50

Highway Administration

A5010.4 - Contractual Expenses	36.40	
A5010.1 - Sr. Clerk-Typist		36.40

Federal Revenue Sharing

	47,000.00	
Capital Projects, LILCO Litigation		25,000.00
Impound Area		10,000.00
P.D. Education		2,000.00
Jamesport School		10,000.00

<u>A3120.40 - Contractural Expense</u>	3,900.00	
A3120.41 - Teletype		3,900.00

<u>A1910.4 - Insurance</u>	15,000.00	
A1910.4 - Unallocated Insurance		15,000.00

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That in accordance with revised duty statements, filed with the Department of Civil Service, a true copy of which are attached hereto, the following employees of the Highway Department are re-classified, at no additional rate of pay; effective immediately:

Felix Rutkowski	-	Automotive Equipment Operator
John Condzella	-	Labor Foreman
John Griffin	-	Construction Equipment Operator
Carl Haupt)	-	Automotive Mechanics
Russell Fleischman)		

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued:

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That the Town Clerk be and she is hereby authorized to publish the attached Notice of a Public Hearing to amend Ordinance #3.

PUBLIC NOTICE

PLEASE TAKE NOTICE, That on the 18th day of May, 1976, at 8:00 o'clock P.M., a public hearing will be held before the Town Board of the Town of Riverhead, at the Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons in connection with certain proposed amendments to Town Ordinance No. 3 of the Town of Riverhead.

FIRST: To repeal Section 7 (b) 1 and 2 and enact new sub-sections (b) 1 and 2, as follows:

"(b) Procedure, Storage and Charges:

1. Any vehicle in violation of this Ordinance, while parked in violation of this Ordinance or abandoned within the Town of Riverhead and upon which a Summons for violation of Ordinance has been affixed, shall, upon direction of a peace or police officer, be removed from the point of violation by the Riverhead Police Department or by a person engaged in tow business within the Town of Riverhead. The owner or owners of such vehicle shall be required to pay the Town of Riverhead a fee for said towing. The owner or owners of such vehicle shall also be required to pay a reasonable storage charge for every day after such removal. Said fees and charges to be established annually by resolution of the Town Board.

2. Prior to releasing or surrendering such removed vehicle, the Riverhead Police Department shall require the vehicle owner to produce proper identification of ownership. The desk officer of the Riverhead Police Department shall further be authorized and hereby is directed to accept a plea to the summons issued. Upon a plea of guilty, he shall accept a fine. Upon a plea of not guilty, he shall accept bail. Both fines and bail shall be established at rates set by the Riverhead Town Justices. No vehicle shall be released from impoundment by a desk officer until a plea has been entered."

SECOND: By adding a new sub-section 4 (h) (3), as follows:

"(3) On both sides of Meetinghouse Creek Road from the southerly sides of Harbor Road, southerly to and along the bulkhead abutting the beach."

THIRD: By adding new sub-sections to Section 4, Prohibited Parking, as follows:

"Both sides of Pier Avenue, from Sound Avenue to the mean high water line of the Long Island Sound."

RESOLUTIONS - continued:

"Both sides of Roanoke Avenue, from Sound Avenue to the mean high water line of the Long Island Sound.

Both sides of Park Road (Reeves Park), from Sound Avenue to the mean high water line of the Long Island Sound.

Both sides of Sound Shore Road.

Both sides of Hulse Landing Road, from the mean high water line, 150 feet westerly, and the southeasterly side of Hulse Landing Road, from a point 150 feet westerly from the mean high water line of the Long Island Sound, westerly to North Wading River Road..

Both sides of Sound Shore Road, from Penny's Landing Road, easterly to Pier Avenue.

Both sides of Sound Road, from North Wading River Road to Creek Road.

Both sides of Creek Road, for the entire distance of the same."

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, A Public Hearing was held before this Board on the 20th day of April, 1976, to hear all those interested in the establishment of a speed zone on Church Lane, Aquebogue, N.Y.,

NOW, THEREFORE, BE IT RESOLVED, That the Town Clerk be and she is hereby directed to forward a true copy of this resolution, together with the requisite application for the establishment of such speed zone to the Department of Transportation of the State of New York.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Lombardi offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, A petition has been received for the establishment of a speed zone on Northville Turnpike, from County Road 58 to Doctors Path, Riverhead, New York,

NOW, THEREFORE, BE IT RESOLVED, That a Public Hearing be held before this Board on the 18th day of May, 1976, at 8:30 o'clock P.M. and the Town Clerk be and she is hereby authorized to publish and post the annexed Notice hereof.

PUBLIC NOTICE

PLEASE TAKE NOTICE, That on the 18th day of May, 1976, at 8:30 o'clock P.M., a public hearing will be held before the Town Board of the Town of Riverhead, at the Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons in connection with certain proposed linear speed zone on Northville Turnpike, from County Road 58 to Doctors Path, Riverhead, New York.

RESOLUTIONS - continued:

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, The Town Board of the Town of Riverhead is interested in preserving the natural beauty of its rural landscape, and

WHEREAS, It is the considered opinion of the Town Board that the construction and existence of "utility poles and lines" destroys such esthetic qualities of the Town, and

WHEREAS, The Riverhead Town Master Plan sets forth certain general standards in this area,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Riverhead strongly urges the Town Planning Board to underground all utility lines on any future sites; and where appropriate, to remove presently existing overhead lines.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, An Ordinance was introduced at a meeting of the Town Board held on the 20th day of January, 1976, and

WHEREAS, A public hearing has been held thereon this 20th day of February, 1976, at which time all interested persons were given an opportunity to be heard thereon,

NOW, THEREFORE, BE IT RESOLVED, THAT this Ordinance be enacted as follows:

BE IT ORDAINED, By the Town Board of the Town of Riverhead as follows:

SECTION 1.

Section 7 of Ordinance No. 7, adopted 10/16/56, regarding peddling and soliciting, is hereby amended to read as follows:

"Section 7. Any violation of this Ordinance shall be a misdemeanor and may be punishable by a fine not exceeding two hundred fifty dollars (\$250.00) or by imprisonment for a term not exceeding thirty (30) days, or by both."

SECTION 2.

The second paragraph of Ordinance No. 17, regarding damage to street and highway surfaces, adopted 3/17/53, is hereby amended to read as follows:

"A violation of this Ordinance shall be punishable by a fine not to exceed two hundred fifty dollars (\$250.00)."

RESOLUTIONS - continued:SECTION 3.

The second paragraph of Ordinance No. 1, regarding street and sidewalk obstructions, adopted 12/28/34, is hereby amended to read as follows:

"Each violation of the foregoing Ordinance shall be punishable by a fine of not more than two hundred fifty dollars (\$250.00)."

SECTION 4.

This Ordinance shall take effect as provided by law.

BE IT FURTHER RESOLVED, That the Town Clerk be and is hereby authorized and directed to enter said change in the minutes of the Town Board and to publish a copy thereof in the News-Review the official newspaper of the Town of Riverhead for such purposes, and to post a copy of said change on the sign board and insert said copy in the Town Ordinance Book as maintained by the Town Clerk, all pursuant to the New York State Law.

The adoption of the aforesaid amendment to the Ordinance of the Town of Riverhead as amended, shall take effect ten (10) days after such publication and posting.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, An Ordinance was introduced at a meeting of the Town Board held on the 20th day of January, 1976, and

WHEREAS, A Public Hearing has been held thereon this 20th day of February, 1976, at which time all interested persons were given an opportunity to be heard thereon,

NOW, THEREFORE, BE IT RESOLVED, THAT this Ordinance be enacted as follows:

BE IT ORDAINED By the Town Board of the Town of Riverhead as follows:

SECTION 1.

Ordinance No. 1, adopted 12/28/34, is hereby amended by adding thereto two (2) new paragraphs to read as follows:

"Each owner or occupant of any house, or other building, and any owner or person entitled to possession of any vacant lot, and any person having charge of any church or any public building in the Town shall, during the winter season, or during the time snow shall continue on the ground, keep the sidewalk in front of the lot or house free from obstruction by snow or ice and icy conditions, and shall at all times keep the sidewalk in good and safe repair and maintain it in a clean condition, and free from filth, dirt, weeds or other obstructions or encumbrances."

RESOLUTIONS - continued:

"No person who is the owner, occupant or lessee of any premises abutting on any street, road, highway or parkway in the unincorporated area of the Town shall place, keep, permit or suffer to be placed or kept on any sidewalk in front of, adjoining or adjacent to his premises, any goods, wares, merchandise, boxes, barrels, display signs or material things of any kind or description nor shall he in any manner obstruct any sidewalk, nor in any manner obstruct or interfere with the use of any sidewalk; but nothing contained in this section shall prevent persons from placing goods, wares, merchandise or household furniture on a sidewalk temporarily while loading or unloading it if it is done without unnecessary delay and if such goods, wares or merchandise are not allowed or permitted to remain on the sidewalk for a longer period than one (1) hour."

SECTION 2. This Ordinance shall take effect as provided by law.

BE IT FURTHER RESOLVED, That the Town Clerk be and is hereby authorized and directed to enter said change in the minutes of the Town Board and to publish a copy thereof in the News-Review the official newspaper of the Town of Riverhead for such purposes, and to post a copy of said change on the sign board and insert said copy in the Town Ordinance Book as maintained by the Town Clerk, all pursuant to the New York State Law.

The adoption of the aforesaid amendment to Ordinance No. 1 of the Town of Riverhead as amended, shall take effect ten (10) days after such publication and posting.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, An Ordinance was introduced at a meeting of the Town Board held on the 20th day of January, 1976, and

WHEREAS, A Public Hearing has been held thereon this 20th, day of February, 1976, at which time all interested persons were given an opportunity to be heard thereon,

NOW, THEREFORE, BE IT RESOLVED, THAT this Ordinance be enacted as follows:

BE IT ORDAINED By the Town Board of the Town of Riverhead as follows:

SECTION 1.

Section 2 of Ordinance No. 5, adopted 6/23/37 is hereby amended to read as follows:

RESOLUTIONS - continued:

"2. No person shall use any portion of the said town docks for the purpose set forth in § 56-1, for a longer period than twenty-four (24) hours, said period of twenty-four (24) hours beginning at 6:00 A.M., Eastern Standard Time each day."

SECTION 2. This Ordinance shall take effect as provided by law.

BE IT FURTHER RESOLVED, That the Town Clerk be and is hereby authorized and directed to enter said change in the minutes of the Town Board and to publish a copy thereof in the News-Review the official newspaper of the Town of Riverhead for such purposes, and to post a copy of said change on the sign board and insert said copy in the Town Ordinance Book as maintained by the Town Clerk, all pursuant to the New York State Law.

The adoption of the aforesaid amendment to Ordinance No. 5 of the Town of Riverhead as amended, shall take effect ten (10) days after such publication and posting.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, An Ordinance was introduced at a meeting of the Town Board held on the 20th day of January, 1976, and

WHEREAS, A Public Hearing has been held thereon this 20th day of February, 1976, at which time all interested persons were given an opportunity to be heard thereon,

NOW, THEREFORE, BE IT RESOLVED, That this Ordinance be enacted as follows:

BE IT ORDAINED By the Town Board of the Town of Riverhead as follows:

SECTION 1.

Section 6 of Ordinance No. 9, adopted 5/5/70 is hereby amended to read as follows:

"Section 6. Licenses. In the issuance of the junk dealer's license, the provisions of Article 6 of the General Business Law shall be adhered to. The Town Clerk is the person authorized to issue the license herein. Every junk dealer's license shall expire on June 30th of each year."

SECTION 2.

This Ordinance shall take effect as provided by law.

BE IT FURTHER RESOLVED, That the Town Clerk be and is hereby authorized and directed to enter said change in the minutes of the Town Board and to publish a copy thereof in the News-Review the official newspaper of the Town of Riverhead for such purposes, and to post a copy in the Town Ordinance Book as maintained by the Town Clerk, all pursuant to the New York State Law.

RESOLUTIONS - continued:

The adoption of the aforesaid amendment to Ordinance No. 9 of the Town of Riverhead as amended, shall take effect ten (10) days after such publication and posting.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, An Ordinance was introduced at a meeting of the Town Board held on the 20th day of January, 1976, and

WHEREAS, A Public Hearing has been held thereon this 20th day of February, 1976, at which time all interested persons were given an opportunity to be heard thereon,

NOW, THEREFORE, BE IT RESOLVED, That this Ordinance be enacted as follows;

BE IT ORDAINED By the Town Board of the Town of Riverhead as follows:

SECTION 1.

Section 2 of Ordinance No. 19, adopted 2/2/54, is amended to read as follows:

"The Court Clerk shall be in charge of the Traffic Violations Bureau and the said Bureau shall be open between 9:00A.M. and 4:00 P.M."

SECTION 2.

This Ordinance shall take effect as provided by law.

BE IT FURTHER RESOLVED, That the Town Clerk be and is hereby authorized and directed to enter said change in the minutes of the Town Board and to publish a copy thereof in the News-Review the official newspaper of the Town of Riverhead for such purposes, and to post a copy of said change on the sign board and insert said copy in the Town Ordinance Book as maintained by the Town Clerk, all pursuant to the New York State Law.

The adoption of the aforesaid amendment to Ordinance No. 19 of the Town of Riverhead as amended, shall take effect ten (10) days after such publication and posting.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, An Ordinance was introduced at a meeting of the Town Board held on the 20th day of January, 1976, and

RESOLUTIONS - continued:

WHEREAS, A Public Hearing has been held thereon this 20th day of February, 1976, at which time all interested persons were given an opportunity to be heard thereon,

NOW, THEREFORE, BE IT RESOLVED, That this Ordinance be enacted as follows:

BE IT ORDAINED By the Town Board of the Town of Riverhead as follows:

SECTION 1.

Ordinance No. 21, adopted 10/19/54, is hereby amended by adding thereto a new Section V to read as follows:

"SECTION V: The cost of demolition, engineering or other professional services, if any, incurred by the Town Board, shall be borne by the owners of such property."

SECTION 2.

This Ordinance shall take effect as provided by law.

BE IT FURTHER RESOLVED, That the Town Clerk be and is hereby authorized and directed to enter said change in the minutes of the Town Board and to publish a copy thereof in the News-Review the official newspaper of the Town of Riverhead for such purposes, and to post a copy of said change on the sign board and insert said copy in the Town Ordinance Book as maintained by the Town Clerk, all pursuant to the New York State Law.

The adoption of the aforesaid amendment to Ordinance No. 21 of the Town of Riverhead as amended, shall take effect ten (10) days after such publication and posting.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, An Ordinance was introduced at a meeting of the Town Board held on the 20th day of January, 1976, and

WHEREAS, A Public Hearing has been held thereon this 20th day of February, 1976, at which time all interested persons were given an opportunity to be heard thereon,

NOW, THEREFORE, BE IT RESOLVED, That this ordinance be enacted as follows:

BE IT ORDAINED By the Town Board of the Town of Riverhead as follows:

SECTION 1.

Section 4 of Ordinance No. 33, adopted 7/20/65 is hereby amended to read as follows:

RESOLUTIONS - continued:"Section 4.

All assemblies and parades, warranted by law, held in any of the streets, roads, avenues, highways or parkways or any other public places in the Town of Riverhead, where public discussions are held, shall have an American Flag, the dimensions of which shall be not less than 36 inches by 60 inches, conspicuously displayed at all times during the holding of such assemblies."

SECTION 2.

A new section is added between Sections 4 and 5 to read as follows:

"The number of persons assembled on private property shall be restricted to a density of not more than three hundred (300) persons per acre."

SECTION 3.

This Ordinance shall take effect as provided by law.

BE IT FURTHER RESOLVED, That the Town Clerk be and is hereby authorized and directed to enter said change in the minutes of the Town Board and to publish a copy thereof in the News-Review the official newspaper of the Town of Riverhead for such purposes, and to post a copy of said change on the sign board and insert said copy in the Town Ordinance Book as maintained by the Town Clerk, all pursuant to the New York State Law.

The adoption of the aforesaid amendment to Ordinance No. 33 of the Town of Riverhead as amendment shall take effect ten (10) days after such publication and posting.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, An Ordinance was introduced at a meeting of the Town Board held on the 20th day of January, 1976, and

WHEREAS, A Public Hearing has been held thereon this 20th day of February, 1976, at which time all interested persons were given an opportunity to be heard thereon,

NOW, THEREFORE, BE IT RESOLVED, That this Ordinance be enacted as follows:

BE IT ORDAINED By the Town Board of the Town of Riverhead as follows:

SECTION 1.

Section 3 of Ordinance No. 36, adopted 12/6/66, is hereby amended as follows:

RESOLUTIONS - continued:

Subsection (c) of Section 3 is amended to read as follows:

"c. Title to the property must have been vested in the owner or all of the owners of the property for at least twenty-four (24) consecutive months prior to the date that the application is filed."

SECTION 2.

This Ordinance shall take effect as provided by law.

BE IT FURTHER RESOLVED, That the Town Clerk be and is hereby authorized and directed to enter said change in the minutes of the Town Board and to publish a copy thereof in the News-Review the official newspaper of the Town of Riverhead for such purposes, and to post a copy of said change on the sign board and insert said copy in the Town Ordinance Book as maintained by the Town Clerk, all pursuant to the New York State Law.

The adoption of the aforesaid amendment to Ordinance No. 36 of the Town of Riverhead as amended, shall take effect ten (10) days after such publication and posting.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, Proposed Local Law No. 1 1976, was introduced at a meeting of the Town Board held on the 20th day of January, 1976, and

WHEREAS, A Public Hearing has been held thereon this 20th day of February, 1976, at which time all interested persons were given an opportunity to be heard thereon,

NOW, THEREFORE, BE IT RESOLVED, That Local Law No. 1 1976, be enacted as follows:

A LOCAL LAW TO PROVIDE FOR THE REGULATION AND LICENSING
OF SHOWS, EXHIBITIONS, CARNIVALS, ETC. AND PENALTIES
FOR OFFENSES

BE IT ENACTED by the Town Board of the Town of Riverhead as follows:

SECTION 1. - ENACTMENT OF LOCAL LAW

In conjunction with the codification of ordinances and local laws of the Town of Riverhead, the following local law is hereby adopted by the Town Board of the Town of Riverhead, this local adoption of the proposed Code of the Town of Riverhead, this local law will be included therein as Chapter 90, Shows and Exhibitions, of said Code.

§ 90-1. License required.

No person, firm or corporation shall give any exhibition of performance for hire, present or conduct any carnival, circus, carousel, bazaar or any open-air show or place of amusement of any kind, without first having obtained a license therefor from the Town Board of the Town of Riverhead permitting such performance,

RESOLUTIONS - continued:

exhibition or place of amusement on a specified location, for which a license fee of one hundred dollars (\$100.00) shall be paid, unless waived by the Town Board.

§ 90-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

EVENT-- Any exhibition, performance for hire, carnival, carousel, bazaar, open-air show or place of amusement.

EXHIBITION, PERFORMANCE FOR HIRE, CARNIVAL, CIRCUS, CAROUSEL, BAZAAR and OPEN-AIR SHOW--Any event of two (2) weeks' duration or less

§ 90-3. Nonapplicability.

The provisions of this chapter shall not apply to fund-raising events sponsored, operated and controlled by religions, fraternal, firemanic or civic organizations.

§ 90-4. Alcoholic beverages.

No alcoholic beverages shall be sold at any exhibition, performance for hire, carnival, circus, carousel, bazaar, open-air show or place of amusement in the Town of Riverhead.

§ 90-5. Games of chance or skill.

No games of chance or skill shall be operated in any place of amusement in the Town of Riverhead.

§ 90-6. Hours.

A. No exhibition, performance for hire, carnival, carousel, bazaar, open-air show or place of amusement shall be open to any child under the age of eighteen (18) after 9:00 P.M., or any day until 9:00 A.M. on the succeeding day, unless accompanied by his parents or a person over twenty-one (21) years of age.

B. No exhibition, performance for hire, carnival, circus, carousel, bazaar, open-air show or place of amusement shall be open any day between the hours of 12:01 A.M. and 9:00 P.M. and 9:00 A.M. of the succeeding day.

§ 90-7. Application.

A. Any person desiring to procure a license under this chapter shall make application therefor to the Town Board upon a form to be furnished by the Town Board, which shall be substantially as follows:

RESOLUTIONS - continued:Town of Riverhead

Application for Exhibition, Performance for Hire, Carnival, Circus, Carousel, Bazaar, Open-Air Show or Place of Amusement.

1. Name of applicant.
2. State whether individual, partnership or corporation.
3. If partnership, state names of all persons having an interest in the business.
4. If corporation, state names of its officers.
5. If corporation, give names of each stockholder, together with the number of shares of capital stock held by each.
6. Proposed location of event.
7. Nature of entertainment, exhibition, etc., to be produced.
8. A detailed account of each exhibition, entertainment, performance and/or amusement device to be located on the proposed location of the event.
9. State number of lights to be used and candlepower of each, all pieces of equipment for music, loudspeaker devices and other devices for the amplification of sound.
10. Has applicant or anyone owning interest in event been convicted of violating any ordinance or law pertaining to public morality and decency?

B. Said applications to be signed and duly verified by the applicant before an officer authorized to administer oaths.

§ 90-8. Conduct regulations.

It shall be unlawful for the owner, proprietor, manager or person in charge of any place licensed under the provisions of this chapter, or for any employee of said place, to harbor, admit, receive or permit to be or remain in and about any such place any lewd or dissolute person, any drunken or boisterous person, or any person under the influence of intoxicating liquor, or any person whose conduct tends in any way to corrupt the public morals.

RESOLUTIONS - continued:§ 90-9. Prohibited Actions.

It shall be unlawful for any person to conduct himself in a boisterous manner, to use any profane, obscene or indecent language in or about any place licensed under the provisions of this ordinance.

§ 90-10. Prohibited Exhibitions.

It shall be unlawful to give or permit the giving of any entertainment or exhibition of a lewd, suggestive, vulgar or immoral type or to use therein any indecent or obscene language, or to behave in any manner tending to corrupt the public morals.

§ 90-11. Investigation - Conditions of Issuance.

A. The Town Board upon presentation of such application as provided herein, and before acting on same, shall refer such application to the Town Attorney for a full investigation as to the truth of the statements contained therein and as to any or all other matters which might tend to aid the Town Board in determining whether or not such application should be granted.

B. The Town Board, upon receipt of a written report by the Town Attorney, shall decide whether a license should be issued, considering among other things the nature of the event, the nature of entertainment and exhibitions to be produced, the location of the event, and the effect upon the peace, welfare and good order of the Town of Riverhead.

C. In reviewing the application for a license herein, the Town Board shall, upon the granting of a license, either approve or disapprove each particular exhibition, entertainment, show, performance and/or amusement device as stated in the application as provided herein. The Town Board shall also approve or disapprove all lighting systems and devices emitting or amplifying sound as stated in the application as provided herein.

D. The Town Board may further limit a license granted hereunder by imposing conditions on said license, and which conditions must be adhered to under the penalty of a cancellation of said license as a violation of this chapter as hereinafter provided.

§ 90-12. Revocation of License.

A. The Town Board reserves the power unto themselves to revoke any license issued under the provisions of this chapter at any time where same was procured by fraud or false representation of facts or for the violation of or failure to comply with the provisions of this chapter by persons holding such license of any crime or offense involving moral turpitude, or conviction of any of his servants, agents or employees of any crime or offense involving moral turpitude, committed on the premises for which a license is issued

RESOLUTIONS - continued:

B. In the case of any exhibition, performance for hire, carnival, circus, carousel, bazaar or open-air show, such revocation may be without notice, and upon the service of a notice of revocation either by person, mail or posting on the premises for which a license is issued, said event is to cease operations immediately.

C. In the case of any place of amusement, the Town Board shall, at least three (3) days before revoking any license, cause to be mailed to the holder of the license at the address at which the event **is conducted** a notice stating the time and place of hearing concerning the revocation at which the license shall be entitled to be heard and introduce the testimony of witnesses. The action of the Board relative to such revocation shall be final, provided that whenever any person to whom a license has been granted under the provisions of this chapter shall be prima facie evidence of facts sufficient to warrant revocation of the license held by such person.

§ 90-13. Insurance Requirements.

The applicant shall file with the Town Board before obtaining such license a certificate of public liability insurance covering the applicant and the Town of Riverhead for personal injuries to any one (1) person in a minimum sum of fifty thousand dollars (\$50,000.00), and one hundred thousand dollars in the sum of five thousand dollars (\$5,000.00) for any one (1) person and ten thousand dollars (\$10,000.00) for more than one (1) person, which shall be approved as to form and sufficiency by the Corporation Counsel; and by procuring the necessary permits that may be required by the Board of Health of Suffolk County.

§ 90-14. Penalties for Offenses.

A violation of any of the provisions of this chapter shall upon conviction thereof be punishable by a fine not to exceed one hundred dollars (\$100.00) for each offense or by imprisonment for a period of not exceeding six (6) months, or by both such fine and imprisonment.

SECTION 2 - REPEALER

All local laws, ordinances, resolutions or parts thereof inconsistent with the provisions of this local law are hereby repealed.

SECTION 3 - SEVERABILITY

In the event that any clause, sentence, section or other part of this local law is declared to be invalid, such invalidity shall not affect the remainder of this local law.

RESOLUTIONS - continued:SECTION 4

This local law shall take effect as provided by law.

This local law provides for the licensing of shows, carnivals, etc. and the regulation of such exhibitions in regard to alcoholic beverages, hours, application for a license and investigation of applicant, prohibited actions and displays, revocation of license, insurance requirements and penalties for offenses. Upon adoption of the proposed Code of the Town of Riverhead, this local law will be included therein as Chapter 90, Shows and Exhibitions, of said Code.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith then asked if anyone else wished to be heard and the following responded:

PERSONAL APPEARANCES - continued:

Kenneth Schou, Assistant Promoter of the Riverhead Raceway, presented another petition in conjunction with the one he presented at the last Meeting with reference to the Raceway's stand on the proposed Noise Ordinance.

He then replied to Mr. Bermel's previous remarks by saying that for their own information they will set up decibel meters, the first night of their racing season.

Mr. Bermel asked if Mr. Schou could verify the number of revolutions, the test cars ran at in the muffler tests.

He then said that he only stated that he was under the impression that there was supposed to be audio equipment present at these tests to measure decibel levels, he never said that he knew that equipment was there.

John Ambrose spoke from the floor, but was inaudible.

Supervisor Smith, in answer to Mr. Bermel, stated that they had no reason to believe that Mr. Ambrose was anything, but an honest man and he did tell the Board what instructions the drivers had received with reference to their track speed, during the muffler tests.

He then repeated what Mr. Ambrose said from the floor, to the effect that he would like to take Mr. Bermel for a ride, assuming Mr. Ambrose meant around the track, at low speed.

No further business on motion and vote, the Meeting adjourned at 8:22P.M., to meet on Tuesday, May 18th, 1976, at 7:30 P.M.

